

## Remarks

### Drawings

The Drawings were objected to under 37 CFR 1.83(a), at page 2, paragraph 3 of the Final Office Action of April 10, 2008, as follows:

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the following limitations must be shown or the feature(s) canceled from the claim(s). No new matter should be entered: "the vacuum packaging machine is configured to load and unload product package concurrently" as recited in claim 29

The Applicants respectfully submit that the subject matter of claim 29 is adequately disclosed in the specification to meet §112 requirements.

At page 5, last paragraph, the specification states

The vacuum packaging machine is advantageously configured to load and unload product packages concurrently.

At page 9, first paragraph, the specification states

The product package(s) is/are suitably loaded into the vacuum chamber concurrently with the unloading of the evacuated product packages.

At page 12, third paragraph, the specification states in part:

As can be seen from FIGS. 1-3, the vacuum chambers are moveable together between a lower position (shown in FIGS. 1 and 2) wherein the upper chamber 3a is adjacent the infeed conveyor 17 **for loading/unloading** . . .

[emphasis added]

At page 12, fourth paragraph, the specification states in part:

Having one of the vacuum chambers open **for loading/unloading** while the other of the vacuum chambers is performing the vacuum sealing operation . . .

[emphasis added]

At page 17, last paragraph, the specification states that:

[v]alve LVV can then be closed ***as the lower vacuum chamber is opened to unload the packaged product therefrom and load a new unsealed product package.***

[emphasis added]

Reference is also made to Figures 1 to 3.

Applicants respectfully submit that the drawings and specification adequately disclose and describe the subject matter of claim 29.

35 U.S.C. §103

On page 3 of the Office Action, at paragraph 5, Claims 1 to 4, 7, 8, 13, 14, 21, 29, 32, and 34 to 35 were rejected under §103(a) as being unpatentable over Nixon, Jr. et al. (4,777,782) in view of Suga (2002/0083683).

Claim 1 as previously amended recites that the vacuum packaging machine comprises one or more chamber conveyors, disposed inside the vacuum chamber, for receiving the product package into the vacuum chamber and/or conveying the product package from the vacuum chamber following the vacuum, sealing and cutting operation.

Claim 1 as now further amended, also recites that the one or more chamber conveyors separate from the in-feed conveyor.

The Applicants submit that no new matter has been added. Support for this amendment can be found e.g. in Figures 14, 15, and 16, showing one or more chamber conveyors separate from the in-feed conveyor.

On pages 6 and 7 of the Office Action, with respect to claim 16 on which this amendment is based, it is stated that “modified Nixon by Suga” further discloses:

Regarding claim 16, one or more chamber conveyor (12) (Nixon – figures 1 and 2).

Applicants traverse this rejection to the extent it may be applied to claim 1 as further amended. Claim 1 as further amended requires an in-feed conveyor, as well as one or more chamber conveyors, the one or more chamber conveyors disposed in the vacuum chambers, and the one or more chamber conveyors being separate from the in-feed conveyor. These conveyors (i.e. the in-feed conveyor in contrast to the one or more chamber conveyors) are clearly separate from one another. Nixon, Jr. et al. disclose one conveyor 12, shown in Figures 1 and 2. They do not appear to show any other conveyors. If the conveyor

12 of Nixon is regarded as an in-feed conveyor for purposes of patentability analysis, then the Applicants' position is that it does not show one or more chamber conveyor(s) in the vacuum chamber, separate from this in-feed conveyor. On the other hand, if conveyor 12 of Nixon is regarded as a chamber conveyor, it does not show a separate in-feed conveyor.

On pages 7 and 8 of the Final Office Action, under the heading "Response to Arguments", it is stated

Applicant misinterprets the principle that claims are interpreted in the light of the specification. Although the element "discrete conveyor" or "discrete in-feed conveyor" is found as example or embodiment in the specification, it was not claimed explicitly. Nor were the words that are used in the claims defined in the specification to require these limitations. A reading of the specification provides no evidence to indicate that these limitations must be imported into the claims to give meaning to disputed terms. *Constant v. Advanced Micro-Devices, Inc.*, 7 USPQ2d 1064.

The Final Office Action goes on at page 8 to recite portions of MPEP 2106 [R-6], and emphasizes that limitations appearing in the specification but not recited in the claim should not be read into the claim.

Applicants agree with the fact that the element "discrete conveyor" or "discrete in-feed conveyor" is not claimed explicitly with this exact verbiage.

However, Applicants urge the Examiner to reconsider this discussion in light of the claims as amended. Applicants ask that attention be paid to the actual relevant claim limitations that do in fact now appear in claim 1. These limitations include in pertinent part:

an in-feed conveyor . . . arranged to deliver the product package from an upstream station to a position adjacent the vacuum chamber, and having a longitudinal direction defined by the direction of travel of the product package on the in-feed conveyor;

and

one or more chamber conveyors, disposed in the vacuum chamber, for receiving the product package into the vacuum chamber and/or conveying the product package from the vacuum chamber following the vacuum, sealing and cutting operation.

And further now including the limitation that

the one or more chamber conveyors being separate from the in-feed conveyor

It is clear from the specification that an in-feed conveyor is present in the presently claimed machine, having the function described in the specification and recited in claim 1.

Likewise, it is equally clear from the specification that one or more chamber conveyors are *also* present in the presently claimed machine, having the function described in the specification and recited in claim 1.

It is also clear, from Figures 14 to 16 of the drawings, that these two conveyors are by description and position separate from one another. The in-feed conveyor delivers product packages from an upstream station to a position adjacent the vacuum chamber. The one or more chamber conveyors are “disposed in the vacuum chamber”. They are shown as separate from the in-feed conveyor. This was the intended thrust of Applicants’ arguments in their earlier amendment of December 17, 2007. In that earlier amendment, at page 11, the term “discrete” was used simply to emphasize that two separate and distinct conveyors were being claimed within claim 1:

Applicants traverse this rejection to the extent it may be applied to claim 1 as amended. Claim 1 as amended requires an in-feed conveyor, as well as one or more chamber conveyors, the chamber conveyors disposed in the vacuum chambers. These conveyors are clearly distinct from one another, and serve distinct functions in the operation of the presently claimed invention. Nixon, Jr. et al. disclose a conveyor 12, shown in Figures 1 and 2. They do not appear to show any other conveyors. If the conveyor 12 of Nixon is regarded as an in-feed conveyor for purposes of patentability analysis, it does not show discrete conveyor(s) in the vacuum chamber, distinct from this in-feed conveyor. If conveyor 12 of Nixon is regarded as a chamber conveyor, it does not show a discrete in-feed conveyor.

Applicants certainly did not intend to imply that the phrase “discrete in-feed conveyor” was being inserted into claim 1 by amendment. This of course is quickly ascertained by simply reading previously amended claim 1. What Applicants *did* intend was a focus on

the two (or more) conveyors, being separate from one another in location within the claimed machine. Both of these are explicitly recited in the claim.

Nixon, Jr. et al. disclose one conveyor 12. It can for the sake of argument be regarded as an in-feed conveyor, or as a chamber conveyor. It can not be both an in-feed conveyor, and a *separate* chamber conveyor.

Since the Final Office Action relies in part on Nixon Jr. with respect to the remaining rejections, re: claims 24 and 11, found at pages 5 to 6, paragraphs 6 and 7, Applicants rely on the above arguments with respect to those claims as well.

Applicants respectfully submits that the claims as presented are novel and unobviousness over the art of record, and respectfully ask the Examiner to allow claims 1 to 4, 7, 8, 11, 13, 14, 18, 21, 24, 29, 32, 34 and 35, and 62 as now amended.

If any fees are deemed due, please charge same to Deposit Account No. 07-1765.

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DATE

Respectfully submitted,



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